

REMARKS

I. Amendment to the Claims

Without acquiescing in the rejections, and without prejudice to pursue broader claims in a continuation application, Applicants have limited the claimed invention to a shampoo. Support for this amendment is found, among other places, in the Specification at page 5, line 24 to page 8, line 11, page 9 lines 7-12, Examples 1-3 on pages 9-10, and Example 8 on page 12.

II. Rejection under 35 U.S.C. § 102(b)

Claims 27-30 and 32-37 are rejected as being anticipated by Lohaus et al. (U.S. Patent 4,797,409) (" '409"). Office Action at 2. The Examiner alleges the Lohaus et al. teach all the critical elements required by the instant claims. Specifically, it is the Examiner's assertion that the recitation of the intended use in the preamble should be given no patentable weight because it provides no structural difference between the claimed invention and the prior art. Moreover, the Examiner further alleges that the recitation of pH in the claims does not render the claimed invention patentably distinct over the prior art. Applicants respectfully disagree.

First, Lohaus et al. teaches away from compounds according to the present invention described in instant claims 34-37. Claims 34-37 are drawn to shampoos that comprise compounds of formula I where R<sup>4</sup> is a saturated hydrocarbon radical having 6 to 9 carbon atoms. "In contrast to this, the invention [of Lohaus et al.] relates to those

1-hydroxy-2-pyridone derivatives in which the substituent [corresponding to R<sup>4</sup>] contains an aromatic system which contains at least 2 isolated, optionally substituted aromatic rings . . ." '409 at col. 1, ll. 44-48.

Second, Lohaus et al. does not teach shampoos. Lohaus' compounds may be used in "solutions, suspensions, creams, ointments, powders, or suppositories (vaginal tablets)." '409, col 6, ll. 57-64. Lohaus' compositions therefore do not disclose each element of the claimed invention, nor is that invention enabled. Thus, Lohaus et al. does not anticipate the claimed invention. Applicants request that this rejection be withdrawn.

#### CONCLUSION

Applicants therefore respectfully request that the above Amendment be entered, and the claims as amended be reconsidered in light of the arguments set forth above.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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